

WEST BOUNTIFUL CITY

ORDINANCE #346-12

AN ORDINANCE AMENDING TITLE 17, OF THE WEST BOUNTIFUL MUNICIPAL CODE AS DESCRIBED BELOW AND DELETING, IN ITS ENTIRETY, CHAPTER 17.44.

WHEREAS, the Home Occupation ordinance, Chapter 5.28, was modified in March 2011 to allow the city recorder to approve home occupation business licenses when specified requirements are met, and updates to each of the residential zones should have been made at that time to move Home Occupation from a conditional use to a permitted use, and

WHEREAS, these changes are now being made to Sections, 17.24.020, 17.24.030, 17.20.020, 17.20.030, 17.16.020, 17.16.030, and

WHEREAS, in April 2011, the City Council decided to move everything out of Chapter 17.44, Supplemental Regulations and put each item in a more appropriate location within the Municipal Code, and in reviewing the Code, it was determined that two items remained in the Chapter. Section 17.44.200, Location of Gasoline Pumps is now in Chapter 17.32 Commercial General and Chapter 17.34 Commercial Highway, and Section 17.44.201. Utility Extensions Only to Permitted Buildings is deleted, and

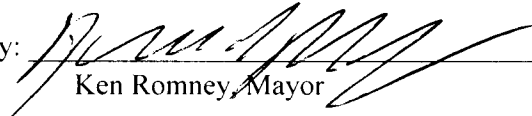
WHEREAS, it is now appropriate to delete, in its entirety, Chapter 17.44 Supplementary Regulations, and

WHEREAS, the West Bountiful City Planning Commission held public hearings, after proper notice, on May 8, 2012 and received no objection to the proposed changes.

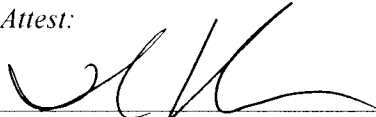
NOW, THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF WEST BOUNTIFUL CITY, UTAH, THAT CHAPTER 17 BE AMENDED AS INDICATED ABOVE AND IN ATTACHED EXHIBIT A.

This ordinance will become effective upon signing and posting.

Adopted this 5th day of June, 2012.

By: 
Ken Romney, Mayor

Attest:


Heidi Voordeckers, City Recorder



Voting by the City Council:	Aye	Nay
Councilmember Ahlstrom	<u>ABSENT</u>	_____
Councilmember Bruhn	<u>X</u>	_____
Councilmember McKean	<u>X</u>	_____
Councilmember Preece	<u>X</u>	_____
Councilmember Tovey	<u>X</u>	_____

Chapter 17.16 AGRICULTURAL DISTRICT A-1

Sections:

17.16.010 Purpose.

17.16.020 Permitted uses.

17.16.030 Conditional uses.

17.16.040 Area and frontage regulations.

17.16.045 Every dwelling to be on a lot – exceptions.

17.16.050 Yard regulations.

17.16.055 Lots and dwellings fronting on private streets – special provisions.

17.16.060 Height regulations.

17.16.070 Density.

17.16.080 Farm animal regulations.

17.16.090 Reserved.

17.16.100 Fence requirements.

17.16.010 Purpose.

The purpose of providing the agricultural district A-1 is to promote and preserve in appropriate areas conditions favorable to agriculture and to maintain greenbelt open spaces. This district is intended to include activities normally and necessarily related to the conduct of agriculture and to protect the district from the intrusion of uses harmful to the continuance of agricultural activity. It is also intended to allow and promote conditions favorable to large-lot family life, the keeping of limited numbers of animals and fowl, and reduced requirements for public utilities.

17.16.020 Permitted uses.

The following are permitted in the agricultural districts A-1:

- A. Agriculture;
- B. Farm Animals, (see Section 17.16.080);
- C. Home occupations (pursuant to Chapter 5.28);
- D. Single family dwellings; and

- E. Residential facilities for persons with a disability.

17.16.030 Conditional Uses.

The following uses are conditional in the agricultural district A-1:

- A. Equestrian facilities, commercial stables;
- B. Public or quasi-public uses;
- C. Child day care or nursery;
- D. Flag lots;
- E. Natural resource extraction;
- F. Planned unit development (PUD);
- G. Residential facility for elderly persons;
- H. Kennels;
- I. Residential facility for a disabled family member;
- J. Restricted Lots (see definitions -Section 17.04.030); and
- K. Accessory Dwelling Units (ADU).

Chapter 17.20 RESIDENTIAL DISTRICT R-1-22

Sections:

17.20.010 Purpose.

17.20.020 Permitted Uses.

17.20.030 Conditional Uses.

17.20.040 Area, width and frontage regulations.

17.20.045 Every dwelling to be on a lot – exceptions.

17.20.050 Yard regulations.

17.20.055 Lots and dwellings fronting on private streets– special provisions.

17.20.060 Height regulations.

17.20.070 Density.

17.20.080 Farm animal regulations.

17.20.090 Reserved.

17.20.100 Fence requirements.

17.20.010 Purpose.

The residential district R-1-22 is established to provide for very low density single-family residential neighborhoods of spacious and un-crowded character. The regulations of this chapter provide for single-family dwellings and, with proper concern for potential impact, special residential developments, and certain public and quasi-public activities that will serve the needs of families. The regulations are intended to preserve and enhance residential character and lifestyle

17.20.020 Permitted uses.

The following uses are permitted in the residential district R-1-22:

A. Agricultural;

- B. Single-family dwellings;
- C. Home occupation (pursuant to Chapter 5.28);
- D. Farm animals (see Section 17.20.080); and
- E. Residential facility for persons with a disability.

17.20.030 Conditional uses.

The following uses are conditional in the residential district R-1-22:

- A. Child day care or nursery;
- B. Flag lot;
- C. Planned unit development;
- D. Public, quasi-public uses;
- E. Residential facility for elderly persons (Ord. 251-98);
- F. Accessory Dwelling Units (ADU); and
- G. Restricted lots (see Definitions - Section 17.04.030).

Chapter 17.24 RESIDENTIAL DISTRICT, R-1-10

Sections:

17.24.010 Purpose.

17.24.020 Permitted uses.

17.24.030 Conditional uses.

17.24.040 Area, width and frontage regulations.

17.24.045 Every dwelling to be on a lot – exceptions.

17.24.050 Yard regulations.

17.24.055 Lots and dwellings fronting on private streets – special provisions.

17.24.060 Height regulations.

17.24.070 Density.

17.24.080 Farm animal regulations.

17.24.090 Reserved.

17.24.010 Purpose.

The residential district R-1-10 is established to provide for low density single-family residential neighborhoods of spacious and un-crowded character. The regulations of this chapter provide for single-family dwellings and, with proper concern for potential impact, special residential developments, and certain public and quasi-public activities that will serve the needs of families. These regulations are intended to preserve and enhance residential character and lifestyle.

17.24.020 Permitted uses.

The following uses are permitted in the residential district R-1-10:

- A. Farm animals, (see section 17.24.080);
- B. Residential facility for persons with a disability. (Ord.251-98 - part); and
- C. Home occupations (pursuant to Chapter 5.28).

17.24.030 Conditional uses.

The following uses are conditional in the residential district R-1-10:

- A. Planned unit developments;
- B. Public, quasi-public uses;
- C. Residential facility for elderly persons;
- D. Accessory Dwelling Units (ADU);
- E. Restricted lots, (see Definitions (Section 17.04.030));
- F. Flag Lots. (Ord. 337-11); and
- G. Child day care or nursery (Ord. 340-12)

Chapter 17.44 SUPPLEMENTARY REGULATIONS

(RESCINDED IN ITS ENTIRETY, Ord. 346-12, June 5, 2012)

Sections:

- 17.44.010 Building permits--Site plan required.
- 17.44.020 Conditional use permit required for restricted lots.
- 17.44.030 Substandard lots at time of zoning code passage.
- 17.44.040 Nonconforming lots prohibited.
- 17.44.050 Lot standards and street frontage.
- 17.44.060 Every dwelling to be on a lot--Exceptions.
- 17.44.070 Lots and dwellings fronting on private streets--Special provisions.
- 17.44.080 Yard space for one building only.
- 17.44.090 Yards to be unobstructed--Exceptions.
- 17.44.100 Exceptions to height limitations.
- 17.44.110 Additional height allowed.
- 17.44.120 Minimum height of dwellings.
- 17.44.130 Maximum height and floor area of accessory buildings.
- 17.44.140 Area of accessory buildings.
- 17.44.150 Water and sewage requirements.
- 17.44.160 Clear view of intersecting streets.
- 17.44.170 Fences required when.
- 17.44.180 Maximum height of fences, walls and hedges.
- 17.44.190 Sale or lease of required space.
- 17.44.200 Location of gasoline pumps.

Chapter 17.32 GENERAL COMMERCIAL DISTRICT, C-G

Sections:

17.32.010 Purpose.

17.32.020 Permitted uses.

17.32.030 Conditional uses.

17.32.040 Area and frontage regulations.

17.32.050 Yard regulations.

17.32.060 Height regulations.

17.32.070 Off-street parking.

17.32.080 Development standards.

17.32.090 Location of gasoline pumps

17.32.010 Purpose.

The C-G general commercial district is intended to provide areas in appropriate locations where a combination of business, commercial, entertainment and related activities may be established, maintained and protected. Regulations of this district are designed to provide a suitable environment for those commercial and service uses which are vital to economic life and provide commercial services to the community. (Prior code § 9-11-1)

17.32.020 Permitted uses.

The following uses are permitted in C-G general commercial districts:

- A. Appliance and small equipment repair, including shoe repair;
- B. Drug store;
- C. Dry cleaning;
- D. General merchandise sales;
- E. Offices, business and professional;
- F. Personal services;

- G. Public and quasi-public institutions;
- H. Convenience store;
- I. Banking and financial services; and
- J. Restaurants, cafeterias and fast food eating establishments; (Prior code § 9-11-2)

17.32.030 Conditional uses.

The following uses are conditional in C-G general commercial districts:

- A. Liquor, retail, package store;
- B. Drinking places (alcoholic beverages);
- C. Residential health care facility;
- D. Reception center, meeting hall;
- E. Motor vehicle sales and service (excluding auto body repair);
- F. Grocery store;
- G. Lumber and other building material, retail sales;
- H. Marine and aircraft retail sales, and accessories;
- I. Theaters;
- J. Commercial schools;
- K. Hospitals and medical service facilities;
- L. Hotel, Motel and extended stay facilities; and
- M. Other retail businesses which are similar to those listed in this section and Section 17.32.020, as determined by the planning commission. (Ord. 253-98 (part): prior code § 9-11-3)

17.32.040 Area and frontage regulations.

There shall be no area or frontage requirement for an individual lot in the C-G district except that each shall provide at least one hundred (100) feet of frontage on any side abutting an arterial or collector street. No frontage requirement shall apply to sides of lots abutting other streets. (Prior code § 9-11-4)

17.32.050 Yard regulations.

The following regulations apply in the C-G general commercial district:

- A. Front Yard. The minimum front yard setback for all structures shall be twenty-five (25) feet;
- B. Side Yard. The minimum side yard setback for all structures in a CG zone shall be ten (10) feet except when the planning commission determines a zero to ten (10) foot lot line is desirable or appropriate, whereupon the request will become a conditional use and shall require approval of the planning commission. Where the parcel abuts any residential zone or predominantly residential area, a side yard of at least thirty (30) feet shall be provided on that side adjacent to a residential zone/area. The side yard requirement adjacent to a residential zone may be modified if approved by the planning commission. On corner lots the side yard which faces the street shall not be less than twenty (20) feet for all structures.
- C. Rear Yard. The minimum rear yard setback for all structures in a CG zone shall be twenty (20) feet, except when the planning commission determines a zero to twenty (20) foot lot line is desirable or appropriate, thereupon the request will become a conditional use and shall require approval of the planning commission. Where the parcel abuts a residential zone or predominantly residential area, a rear yard of thirty (30) feet shall be provided. The rear yard requirement adjacent to a residential zone/area may be modified if approved by the planning commission. (Amended 9/6/94; prior code § 9-11-5)

17.32.060 Height regulations.

No structure shall be erected to a height greater than one hundred (100) feet. Structures may be erected to a height greater than one hundred (100) feet upon review and specific approval by the planning commission. (Prior code § 9-11-6)

17.32.070 Off-street parking.

- A. Off-street access and parking shall be provided and designed as specified in Chapter 17.52.
- B. No parking space shall be provided that would allow a vehicle to back out directly into a public street. (Prior code § 9-11-7)

17.32.080 Development standards.

- A. Site Plan. A site plan for all phases of the proposed development shall be presented for review and approval, as provided in the land development code.
- B. Landscaping. No less than fifteen (15) percent of the total lot area shall be landscaped. A landscaping plan shall be approved by the planning commission as a part of the site plan review. Required side and rear yard areas may be used for driveways or parking; provided, that trees and shrubs of sufficient size and quantity to assure a visual screen from abutting residential properties are installed. All landscaping shall be adequately irrigated and maintained. The planning commission may require a performance bond or cash deposit, in an amount estimated by the planning commission as equivalent to the cost of the required landscaping, to assure

installation of required landscaping within six months of approval date. A building permit shall not be granted until receipt of such bond or deposit.

- C. Outdoor Storage and Merchandising. Storage and merchandising shall be accomplished entirely within an enclosed structure or as provided by the zoning matrix. (Ord. 269-00 (part); prior code § 9-11-8)

17.32.090 Location of gasoline pumps.

Gasoline pumps shall be set back no less than eighteen (18) feet from any street line to which the pump island is vertical; twelve (12) feet from any street line to which the pump island is parallel, and ten (10) feet from any residential or agricultural district boundary line. If the pump island is set at an angle on the property, it shall be so located that the automobiles stopped for service will not extend over the property line. (Ord. 346-12, June 5, 2012)

Chapter 17.34 HIGHWAY COMMERCIAL DISTRICT, C-H

Sections:

17.34.010 Purpose.

17.34.020 Permitted uses.

17.34.030 Conditional uses.

17.34.040 Prohibited uses.

17.34.050 Area and frontage regulations.

17.34.060 Yard regulations.

17.34.070 Height regulations.

17.34.080 Off-street parking.

17.34.090 Development standards.

17.34.100 Location of gasoline pumps.

17.34.010 Purpose.

The highway commercial (C-H) district is intended to provide areas in appropriate locations where a combination of business, construction related and other commercial activities may be established, maintained and protected. Regulations of this district are designed to provide a safe and suitable environment for those commercial uses that provide service to the surrounding community.

17.34.020 Permitted uses.

The following uses are permitted in the C-H highway commercial district:

- A. Appliance and small equipment repair;
- B. Lawn and yard Care;
- C. Printing and publishing;
- D. Offices, business and professional;
- E. Silk-screening;
- F. Public and quasi-public facilities not prohibited in Section 17.34.040;

- G. Convenience store;
- H. Contractor offices, including but not limited to general, electrical, mechanical, heat, ventilation and air conditioning, plumbing, and landscaping; and
- I. Indoor storage units.

17.34.030 Conditional uses.

The following uses are conditional in the C-H highway commercial district:

- A. Liquor, retail, package store;
- B. Drinking places with alcoholic beverages;
- C. Motor vehicle sales and service (excluding auto body repair) and outdoor storage of retail vehicle inventory;
- D. Reception center, meeting hall;
- E. Marine and aircraft retail sales and accessories;
- F. Lumber and other building materials retail sales;
- G. Custom woodworking (as approved by the fire marshal);
- H. Warehousing, as a primary use, unless prohibited in Section 17.34.040;
- I. Car wash as ancillary to a convenience store;
- J. General merchandise sales;
- K. Outdoor storage of equipment, landscaping materials and seasonal inventory incidental to an approved permitted or conditional use;
- L. Indoor fabrication, machining or welding of materials or equipment not for resale;
- M. Equipment sales, service and/or repair, including outdoor repair and welding; and
- N. Other commercial businesses which are similar to those listed in this section and Section 17.34.020, as determined by the planning commission.

17.34.040 Prohibited Uses.

The following uses are prohibited in the C-H highway commercial district:

- A. Salvage yards;

- B. Parts yards;
- C. Residential dwelling units;
- D. Motor vehicle warehousing, salvage, or storage (whether indoor or outdoor);
- E. Recycling centers/recycling collection areas;
- F. Rehabilitation/treatment centers, transitional housing, residential facilities for elderly persons, residential facilities for persons with a disability, boarding homes, and any other facility subject to the regulations of Chapter 17.84 of this title;
- G. Schools and churches;
- H. Storage of petrochemicals, not for retail sales;
- I. Correctional facilities or facilities with similar uses;
- J. Sexually oriented businesses; and
- K. Single retail unit space over seventy-five thousand (75,000) square feet.

17.34.050 Frontage regulations.

Each individual lot in the C-H district shall provide at least one hundred (100) feet of frontage on any side abutting an arterial or collector street. No frontage requirement shall apply to sides of lots abutting other streets.

17.34.060 Yard regulations.

The following regulations apply in the C-H highway commercial district:

- A. Front Yard. The minimum front yard setback for all structures shall be twenty-five (25) feet;
- B. Side Yard. The minimum side yard setback for all structures in a C-H zone shall be ten (10) feet except when the planning commission determines a zero to ten (10) foot lot line is desirable or appropriate, whereupon the request will become a conditional use and shall require approval of the planning commission. Where the parcel abuts any residential zone or predominantly residential area, a side yard of at least thirty (30) feet shall be provided on that side adjacent to a residential zone/area. The side yard requirement adjacent to a residential zone may be modified if approved by the planning commission. On corner lots, the side yard which faces the street shall not be less than twenty (20) feet for all structures.
- C. Rear Yard. The minimum rear yard setback for all structures in a C-H zone shall be twenty (20) feet, except when the planning commission determines a zero to twenty (20) foot lot line is desirable or appropriate, thereupon the request will become a conditional use and shall require

approval of the planning commission. Where the parcel abuts a residential zone or predominantly residential area, a rear yard of thirty (30) feet shall be provided. The rear yard requirement adjacent to a residential zone/area may be modified if approved by the planning commission.

- D. Required side and rear yard areas may be used for driveways or parking provided that trees and shrubs of sufficient size and quantity are installed to assure a visual screen from abutting residential properties.

17.34.070 Height regulations.

No structure shall be erected to a height greater than sixty (60) feet without review and specific approval by the Planning Commission.

17.34.080 Off-street parking.

- A. Off-street access and parking shall be provided and designed as specified in Chapter 17.52.
- B. No parking space shall be provided that would allow a vehicle to back out directly into a public street.
- C. If parking is located in the front yard, there shall be a minimum of ten (10) feet of landscaping between the property line along the roadway and the parking stalls.
- D. Parking lots shall be provided with landscaping along the periphery of any boundary that abuts a public road or residential zone.

17.34.090 Development standards.

- A. Site Plan. A site plan for all phases of the proposed development shall be presented to the City for review and approval, as provided in the land development code.
- B. Landscaping.
 - 1. A landscaping plan shall be submitted to and approved by the City as a part of the site plan review;
 - 2. No less than twenty-five percent (25%) of the front set back shall be landscaped. All landscaped areas shall be landscaped with a mixture of grasses, ground cover, shrubs and trees, and may include sculptures, fountains and patios. Unimproved areas (raw ground) without native trees will not count toward such landscaping requirement;
 - 3. All landscaping shall be adequately irrigated and maintained in a healthy, neat and attractive manner; and
 - 4. The City may require a performance bond or cash deposit, in an amount estimated by the City as equivalent to the cost of the required landscaping, to assure installation of required landscaping within six months of approval date. A building permit shall not be granted until receipt of such bond or deposit.
- C. Design Standards.
 - 1. The required minimum front setback may be reduced by ten feet (10') if the entire

- setback area incorporates manicured landscaping and berming;
2. Building exterior materials facing the public road shall be eighty-five (85%) percent brick, stone, stucco, glass, colored decorative block or cement fiberboard, or stone aggregate; and
 3. All outdoor storage must comply with Section 17.92 of this code. If allowed, all outdoor storage shall be screened from public view and shall be located in the side or rear yard, provided that landscaping may be used in conjunction with berms, walls and fences to screen outdoor storage areas from public view.

17.34.100 Location of gasoline pumps.

Gasoline pumps shall be set back no less than eighteen (18) feet from any street line to which the pump island is vertical; twelve (12) feet from any street line to which the pump island is parallel, and ten (10) feet from any residential or agricultural district boundary line. If the pump island is set at an angle on the property, it shall be so located that the automobiles stopped for service will not extend over the property line. (Ord. 346-12, June 5, 2012)